

EDNY (Revised 03/01/2023)

UNITED STATES DISTRICT COURT

for the
Eastern District of New York

UNITED STATES OF AMERICA

v.

Case No. 10 CR 10 (ENV)

JOSEPH CUTAIA,

Defendant.

**ORDER OF DETENTION PENDING HEARING ON
VIOLATION OF SUPERVISED RELEASE**

Part I - Eligibility for Detention

Having been charged with a violation of supervised release in this matter, the Defendant has made an Initial Appearance before the Court pursuant to Fed. R. Crim. P. 32.1 and been informed of the Defendant's rights pursuant to Fed. R. Crim. P. 32.1(a)(3). The Court has held a hearing and orders the Defendant detained pursuant to Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. § 3143(a)(1) for the reasons set forth below.

After considering the the information presented at the detention hearing, the Court concludes that the Defendant must be detained pending a hearing concerning the charges set forth in the Petition for Warrant or Summons for Offender under Supervision and Violation of Supervised Release Report because the Defendant has failed to establish:

- ☒ By clear and convincing evidence that there are conditions or a combination of conditions, that upon the Defendant's release, will reasonably assure the safety of any other person and the community.
- ☒ By clear and convincing evidence that there are conditions or a combination of conditions of release that will reasonably assure the Defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- ☒ Weight of evidence against the Defendant is strong
- ☐ Subject to lengthy period of incarceration if convicted
- ☒ Prior criminal history
- ☐ Participation in criminal activity while on probation, parole, or supervision
- ☐ History of violence or use of weapons
- ☒ History of alcohol or substance abuse
- ☐ Lack of stable employment
- ☐ Lack of stable residence
- ☐ Lack of financially responsible sureties

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- ☐ Lack of significant community or family ties to this district
- ☐ Significant family or other ties outside the United States
- ☐ Lack of legal status in the United States
- ☐ Subject to removal or deportation after serving any period of incarceration
- ☒ Prior failure to appear in court as ordered
- ☐ Prior attempt(s) to evade law enforcement
- ☐ Use of alias(es) or false documents
- ☐ Background information unknown or unverified
- ☐ Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

- For the reasons stated on the record
- Defendant consents to detention without prejudice

Directions Regarding Detention

The Defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the Defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: 7/12/2024

s/ Joseph Marutollo

United States District Judge / United States Magistrate Judge

Judge Joseph Marutollo